

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:07-CR-11-D

UNITED STATES OF AMERICA

v.

JIMMY EDWARDS, JR.,

Defendant.

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ORDER

On July 19, 2020, Jimmy Edwards, Jr. (“Edwards” or “defendant”) began his 36-month term of supervised release. On July 31, 2020, Edwards moved for early termination of supervised release [D.E. 68]. On September 4, 2020, the government responded in opposition [D.E. 73]. On September 8, 2020, Edwards replied [D.E. 74].

Whether a court may terminate a term of supervised release is governed by 18 U.S.C. § 3583(e). Under section 3583(e), a court may “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1); see United States v. Pregent, 190 F.3d 279, 282–83 (4th Cir. 1999). Before terminating a term of supervised release, a court considers the factors set forth in 18 U.S.C. § 3553. See 18 U.S.C. § 3583(e); Pregent, 190 F.3d at 282. The relevant factors considered under section 3553 include, inter alia, the nature and circumstances of the offense, the need for deterrence, the need to protect the public, and the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct. See 18 U.S.C. § 3553(a); Pregent, 190 F.3d at 282. A court may also consider the “interest[s] of justice” in making

its decision. Pregent, 190 F.3d at 282; Folks v. United States, 733 F. Supp. 2d 649, 651 (M.D.N.C. 2010). The decision to terminate a term of supervised release is within the district court's discretion, and the court need not terminate a term of supervised release even when all of the section 3583(e) factors are satisfied. Folks, 733 F. Supp. 2d at 651.

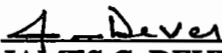
Edwards has completed one year of his term of supervised release. As such, the court may consider his motion for early termination under section 3583(e). See 18 U.S.C. § 3583(e). In deciding whether to grant Edwards's motion for early termination of supervised release, the court has considered the entire record, the applicable section 3553 factors, and the interests of justice. Edwards engaged in serious criminal behavior involving cocaine, marijuana, and firearms. See PSR ¶¶ 6–10. On November 20, 2007, this court sentenced Edwards to 180 months' imprisonment and 36 months' supervised release. See [D.E. 33]. Edwards is a recidivist and has convictions for possession of marijuana (two counts), trafficking cocaine (four counts), and possession with intent to sell and deliver marijuana. See PSR ¶¶ 13–25. Edwards also has a sporadic work history. See id. ¶¶ 34–39. Nonetheless, Edwards has taken some positive steps while incarcerated on his federal sentence and while on supervised release. See [D.E. 68]; cf. Pepper v. United States, 562 U.S. 476, 491 (2011).

Edwards is scheduled to be placed in the United States Probation Offices's Low Intensity Supervision Program ("LISP"). See [D.E. 73] 4 n.1. If Edwards continues to comply with the terms of his supervised release, the court will consider early termination of his supervised release after Edwards successfully completes one year in LISP. At present, however, after considering the section 3553 factors, the interests of justice, and in light of Edwards's serious criminal conduct, history of recidivism, and sporadic work history, Edwards's motion is denied.

In sum, defendant's motion for early termination of supervised [D.E. 68] is DENIED.

Defendant may refile his motion for early termination of supervised release after he successfully completes one year in LISP.

SO ORDERED. This 11 day of October 2020.



JAMES C. DEVER III
United States District Judge